

MINUTES OF REGULAR MEETING HELD JUNE 18, 2019

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, June 18, 2019 at 8:00 p.m.

Mayor Brindle made the following announcements:

“Prior to convening in regular session, there was an agenda session which was open to public and advertised.”

“The adequate notice of this meeting, as required by the Open Public Meetings Act, was provided by the posting, mailing and filing of the annual notice of regularly scheduled meetings of the Town Council on December 13, 2018. The notice was, on that date, posted on the bulletin board in the Municipal Building, mailed to THE WESTFIELD LEADER, and THE STAR LEDGER, and filed with the Clerk of the Town of Westfield.”

PRESENT: Mayor Brindle, Council Members Habgood, Arena, Dardia, Neylan, LoGrippo Contract, Stokes, Mackey

ABSENT:

INVOCATION AND FLAG SALUTE

Invocation was given by Councilwoman Neylan followed by the flag salute.

PRESENTATIONS

Town Administrator's Report

- Provided an update of road paving and announced that the Town Council would be voting on a resolution to award a contract for various road improvements for 2019. Once a contract is awarded, the Town would be able to begin paving work soon. Also discussed contract awards for ADA compliant curb ramps, and improvements to Rahway Avenue. Mentioned that the bids for these projects were below the Town's cost estimate. Also discussed roads being paved by Elizabethtown Gas and stated that the Town would be coordinating with Elizabethtown Gas concerning the installation of ADA curb ramps once the award of contract is officially approved;
- Provided an update on the status of the installation of benches at Mindowaskin Park. Explained that the benches were ordered and installation is expected within the next few weeks;
- Announced that estimated tax bills would be distributed this month with payment due on August 1. Explained that estimated tax bills must be distributed because the final tax rate is not yet available, and that this would be the first tax bill to reflect the results of the revaluation.

Councilman LoGrippo asked when the new tax rate would be provided to the Town.

The Town Administrator explained that the final tax rate is typically provided to the Town in July, with billing in August. Also stated that in prior years, the Town's estimated tax rate has been identical to the final tax rate.

Mayor's Remarks

- Addressed the incident involving the arrest of an armed suspect outside of Tamaques School on Thursday afternoon. Stated that many of those sitting on the dais have children currently in the public schools and also experienced the fears and concerns expressed by residents. Feels the Police Department did an extraordinary job of responding to this situation by making an arrest while ensuring the safety of the children and staff members in the school, and announced that the Police Chief would be making a statement this evening. Assured residents that she continues to be in close contact with the Board of Education as they evaluate their school security protocols, and stated that there would be enhanced police presence in and around all of the schools this week to close out the school year, as well as increased security at the upcoming middle and high school graduations;

- Announced that just prior to the meeting this evening, the RVL Mayors' Alliance hosted a rally in Newark Penn Station. This rally was another means of empowering frustrated commuters with a collective voice to send a message to NJ Transit that commuters want their off peak direct service restored now, and that they deserve their fair share of peak one seat ride trains in the next year. Also stated that she took the opportunity to inform Governor Murphy of this issue at a recent round table he hosted for Union County mayors and she explained to him that direct service to Manhattan is the number one economic development driver for the corridor, and municipalities along the Raritan Valley Line remain handicapped relative to other lines without it. Stated that there would be more information to come as the RVL Mayor's Alliance persists with its message on several fronts;
- Announced that she travelled to Trenton recently with the Town Administrator, Fanwood Mayor Colleen Mahr, and Scotch Plains Mayor Al Smith, to further discuss opportunities to share DPW services. Feels there were some good first steps that resulted from the meeting, and she remains committed to finding ways to drive efficiencies and improve services to residents;
- Congratulated this year's Devlin Award winners, which honors outstanding efforts in the restoration, expansion, alteration, and maintenance of older properties. Of special note was the award given posthumously to property owner Andrew Calcagno for his beautiful restoration of the Flatiron Building. Stated that Mr. Calcagno tragically passed away unexpectedly a few weeks ago, and this restoration was one of his proudest legacies. Extended her thanks to all of this year's winners for their ongoing commitment to keeping Westfield's historic character alive, which is one of her priorities, and mentioned that photos of the award winning properties are posted on the Town's website;
- Announced that the Town Council would be introducing an amendment to an existing ordinance which would require that utility companies restore any roads that have been disrupted from utility work with curb to curb repaving. This is intended to protect the Town's investment as it embarks on the most significant road paving initiative in the Town's history;
- Announced that the Town Council would also be introducing an ordinance to increase fines for various traffic violations in order to be more in line with other communities, and to support efforts to prioritize pedestrian safety. In addition, the Town would soon be announcing increased and targeted traffic enforcement once school has let out for the summer as the "Year of the Pedestrian" continues;
- Announced that the Town is seeking input for its new pedestrian and bike initiative. Explained that the New Jersey Department of Transportation (NJDOT) is funding the development of a plan to make bicycling and walking more accessible and safer as part of the Year of the Pedestrian initiative. The findings of this plan would be incorporated into the circulation and transportation components of the Town's Master Plan Reexamination. All residents have an opportunity to help shape the plan by completing the online survey and participating in public workshops, the first of which would be held on July 8 from 6:00 to 8:00 PM in the Town Hall Community Room. Also provided the website address for those interested in participating in the survey;
- Announced that the first night of this year's Sweet Sounds Downtown Festival on July 2 would be "Country on Quimby", and invited residents to attend. Stated that Quimby Street would be closed off to traffic for the night. Also stated that Sweet Sounds Downtown would be held every Tuesday in July and August and would feature a wider diversity of genres as well as a new local spotlight band. Encouraged residents to visit the DWC website for the full schedule;
- Announced that the Summer Kick-Off Movie Night would be Saturday, June 22 with a screening of Jumanji. Encouraged all to bring their family and mentioned that the event would include live music by The Unknown Legends in the lower lot of the South Avenue train station. In addition, there would also be food for purchase from Outta Hand Pizza and 1958 Cuban Cuisine before the movie begins at 8:15. Extended her thanks to Outta Hand, the DWC and Spencer Savings Bank for sponsoring this event;
- Discussed the vote to be taken this evening in connection with the temporary ice rink at Gumbert Park. Explained that the Town Council would be voting on a resolution on whether or not to accept the Recreation Commission's recommendation to authorize the Town to negotiate a contract for a two (2) year renewal of the ice rink. Informed residents that the manager of the ice rink, Ken Anderson, is in attendance this evening, and would

provide a recap of last season, and share his proposal for next season, which has been amended to include his plans for addressing the concerns of some of the neighboring residents.

Mayor Brindle invited the Police Chief to make a statement concerning the incident that occurred at Tamaques School on June 13, 2019.

Statement Of Chief Christopher Battiloro to The Mayor and Town Council

On Thursday, June 13, 2019, at approximately 1553 hours, the Westfield Police Department responded to Tamaques School located at 641 Willow Grove Road, Westfield NJ 07090 in an attempt to locate an individual *"in crisis."* He was reportedly in a vehicle and possibly in possession of a firearm.

The Westfield Police Department's response was initiated based on information received from the New Castle County, Delaware Police Department.

Officers Jeffrey Johnson and Michael Pollock arrived on scene first and subsequently located the individual in question. He was seated in a parked vehicle, directly opposite the school's main entrance, and was armed with a .45 caliber handgun, fully loaded with hollow point bullets.

Officers Johnson and Pollock discreetly approached the parked vehicle on foot from a distance, drew their service weapons, and quickly disarmed the subject, taking him into custody without incident.

Officer Joseph Habeiche, who arrived shortly thereafter, assisted in properly securing and thoroughly searching the subject. Two additional fully loaded magazines were located on his person and an additional 130 rounds of ammunition were later located in the vehicle's trunk.

While the normal school day had already ended, some 30 children were still present on the premises in an aftercare program.

Although the reported threat was quickly located and effectively suppressed by the initial responding officers, out of an abundance of caution, the decision was made to lock down Tamaques School, this while an added, precautionary search of both the interior and exterior of the school was conducted. The search was aided by two canines from the Union County Sheriff's Office.

The exterior grounds of Tamaques School were searched first. Once completed, the children were removed from the gymnasium and escorted to the rear athletic field, away from all police activity, where they remained in the custody of Officers Elizabeth Savnik and Tiffany Kenny, until each and every one was released to a parent or guardian.

As fully expected, the added, precautionary search disclosed no additional threats.

The subject's vehicle was processed by Detectives Dennis DaSilva, Nicholas Bruno and Jason Merritt. They were assisted by Plainclothes Officer Piotr Wierzbicki.

The responding patrol officers operated under the direction of Sergeant Bradford Beirne, and the responding detectives and plainclothes officers operated under the supervision of Detective Lieutenant Jason Carter and Detective Sergeant Nicole Stivale.

While the explicit purpose this subject's presence at Tamaques School may never be known for sure, I think we can all infer the worst was entirely possible.

I wish to commend all of those officers, detectives and supervisors who responded to this incident. I am certain that their brave and courageous actions thwarted any chance of tragedy and ensured the safety and well-being of all those children. I am extremely proud of each and every one of them. Please know that it is an extreme honor for me to serve as their Chief. This was some of the finest police work I have ever seen.

Since assuming the position of Chief of Police, it has remained my foremost priority to improve police – community relations. This begins and ends with better and timelier communications, and the Westfield Police Department has made some very significant improvements in that area. Nixle messages were immediately transmitted once the lockdown was initiated, and again once it was lifted. Once certain facts relating to this incident were verified, a statement was issued through the Town of Westfield's Public Information Officer. However, I understand that local news media has been angered by their inability to receive specific information regarding this incident.

While this incident was in its incipient stages, and while operating at the scene, I received almost constant calls, e-mails and text messages from the local news media. I understand their job. I ask that they understand mine.

My first priority was not responding to their requests for information, but rather ensuring the safety of those 30 children, our officers, detectives and supervisors, and the general public.

I do not work for the local news media. I work for you – the Mayor and Council of the Town of Westfield – and I work for the residents of the Town of Westfield. I have duty and a responsibility to you, and to them, far greater than just assuring that an arrest is made.

The subject arrested at Tamaques School was initially charged with second degree unlawful possession of a weapon, fourth degree possession of hollow point bullets, and fourth degree trespassing on school grounds. These charges were approved by Union County Prosecutor's Office.

Subsequent to this, the subject was additionally charged with third-degree possession of a firearm in or upon the grounds of an educational institution.

However, like all other persons who have been arrested and charged with crimes, he is presumed innocent until proven guilty in a court of law. This subject has yet to be prosecuted, convicted, and sentenced to confinement. Convictions on second degree criminal charges are commonly punishable by 5 to 10 years in state prison.

So, this job is far from done. Much work remains. The Westfield Police Department continues to actively investigate this incident, and to build its case, which has yet to be presented to a judge and jury.

I will not, in any way, impair, impede, obstruct or otherwise take any action that might negatively impact the successful prosecution of these very serious charges, by releasing certain specific information which is beyond the public's right to know.

That information which is a matter of public record has been released, and it was released in a timely manner, after it was carefully vetted and determined to be factual, and then only with approval of the Union County Prosecutor's Office.

The Westfield Police Department will have no further comment on this incident at this time. Any further inquiries should be directed to the Union County Prosecutor's Office.

As a parent of three school-aged children, believe me, I fully understand a parent's need to know. I know you have specific questions. I know you want answers.

However, while certain specific information cannot be shared at this time, rest assured the Westfield Police Department is working hard to bring this matter to a successful conclusion and to ensure that this subject remains where he is right now – in jail. That is my job. That is what I am doing – and I don't intend to fail you.

The Westfield Police Department has established an unprecedented presence in the Westfield Public Schools. This police presence has even been expanded to include a number of non-public Westfield schools as well. It will continue for the foreseeable future.


While the implementation and execution of a school's security plan is ultimately the responsibility of each individual school, the Westfield Police Department has and will continue to work closely

with all schools, their staff, administrators and professional consultants, on all matters related to safety.

Please know, as Chief of Police, there is no duty or responsibility that I hold greater than ensuring the safety of your children. Have faith, trust, and confidence in your police officers. We were there for you last Thursday. We are here for you today – and I assure you, we will be there for you tomorrow.

Proposed Ice Rink at Gumbert Park

Ken Anderson of Arena Realty Partners presented a proposal concerning the temporary ice rink at Gumbert Park for the 2019/2020 season as follows:



The Westfield Rink Proposal

1

Review 2018-2019 Season

- First skate - Monday 11/5. Last skate - Public Session on evening of Friday 3/1/19. Site clean-up completed by 3/30.
- 675 sessions over 810 hours of programming
 - Youth and adult ice hockey practices, clinics and games – 632 hrs, ~13,200 attendees
 - Public skating - 145 hours (17.9%), 99 sessions (14.6%), 7,400 attendees (33.6%)
 - Community group events – 6 events, 9 hours, 1041 attendees
 - Curling and adaptive skating – 5 Curling sessions, 2 Adaptive skating sessions
 - “Emergency Services/First Responders” skate
 - 15 Learn to Skate and 15 Learn to Play sessions
- ~22,000 attendees across all activities, approx. half were from Westfield.
- Employed 26 Westfield students.
- Public improvements / donations
 - Sidewalk along So. Chestnut, sidewalk entrance to rink area, concrete in sections of picnic area
 - New fencing on baseball side of So. Chestnut
 - Remove/replace picnic tables
 - Additional safety lighting and repair of existing lighting on Gumbert Park building
 - Donated \$1,200 of skate training aids to Union County for use with adaptive skating sessions
 - Donated 90 concrete blocks and 40+ cubic yards of stone dust to Westfield DPW (\$6,000 value)

2

Rink usage exceeded expectations but there are opportunities for improvements regarding aesthetics and sound

Alternate locations for a temporary rink were not feasible

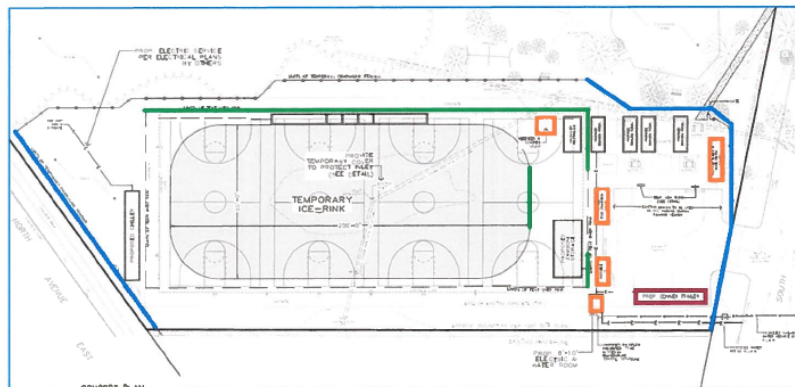
- **Memorial Park**
 - 4 possible locations, all would need significant site work, plus electric and water.
 - Some of the locations would be closer to homes than Gumbert Park.
 - Preparation of a flat area would cost \$150-200K. The removal and restoral effort could be another \$50-100K.
- **Tamaques Park**
 - 1 general area (several possible configurations) near existing basketball courts.
 - Area has sufficient room for a significant multi-season facility, has sufficient distance from homes.
 - Has sufficient access for utilities.
 - Needs significant planning, engineering and site work.
 - Preparing a flat area would cost approx. \$150-200K (trees and dirt removed, provide proper drainage, etc), plus the cost to bring in electric and water from Lamberts Mill Road (another \$50-100K, maybe more).

Proposal

- Return to Gumbert Park, incorporating improvements based upon feedback from the Recreation Commission, until Master Plan process concludes and a permanent location is determined (if so desired).
- Similar site layout, program, etc. Expand Public Session offerings. Westfield HS Boys and Girls hockey programs, as well as Westfield Hockey Club, continue to have as much time as they would like (as was done last season) to allow their programs to grow.
- **Planned aesthetic improvements**
 - Add custom fence screen on fencing along North Ave, So. Chestnut and rink entrance area (see blue lines on site diagram).
 - Replace office/skate rental “trailer” with attractive white storage sheds (see photo page below).
 - Add separate freestanding rental skate shed where ticket shed was past year (or combine with ticket shed in a single structure) – can be painted as desired.
 - Office to be smaller 20 ft shed – exact location TBD – probably near storage container. Can be painted as desired.
 - Remaining storage container to be blue with ability to paint it as desired (see brown box on site diagram).
 - Move admission ticket shed towards entrance – can be painted as desired.
 - Add small 10’ by 10’ shed for refs/coaches under the tent in place of canopy – can be painted as desired.
 - Add fundraising shed – for use by community/hockey groups for sale of coffee, hot chocolate, prepared items (no on-site cooking) – can be painted as desired.
 - Add large “The Westfield Rink” banners on front and back ends of tent.
 - Add more “café lights” on-site for better site lighting (inside fence line).
 - Work with Mayor’s Design Committee on design details.

- **Sound mitigation plan**
 - Add sound curtains on long side of rink facing 4th Ave and part of So. Chestnut (see green line on site diagram).
 - Add insulation and plastic outer boards at So. Chestnut end of rink (see green line on site diagram).
 - Strategic placement of new sheds on So. Chestnut side of tent (see orange boxes on site diagram).
 - Schedule adjustments –
 - Allow playing of JV games (same as Bantam/Midget level youth games) instead of 1 or 2 hockey practice sessions each week (less puck sound from games than from practices)
 - Add a weekday evening Public Session instead of a hockey practice.
 - Replace Youth Open Hockey on Sat evenings with Public Session (public session instead of hockey).
 - Potentially adjust schedule on Sunday mornings to put younger players on the ice at 8 am and Adult Open Hockey at 9 or 9:15 am (on alternating weekends, or all weekends) – reduced sound level from younger players.
 - New muffler on Zamboni (already being completed)
- **Other changes**
 - Add additional public activities such as Adult Skate, Mommy and Me, School groups, home school groups, LTS, adaptive skates, etc. during occasional weekdays.
 - Possibly add a Curling league – with sessions every week or alternating weeks.

Proposed Site Diagram



Green line at tent boundary – Sound curtains (Acoustifence or similar) to be hung from inside frame of tent structure

Green line at end of rink boards – rigid insulation in boards with white plastic covering

Orange boxes – shed structures that can be painted as desired

Brown box – storage container that can be painted as desired

Blue lines on both ends – custom fence screening – design TBD.

6

Rink Entrance 2018-2019



Possible Rink Entrance with custom fence screen



7

Rink view from So. Chestnut - 2018-2019



Rink view from So. Chestnut with custom fence screening



Rink view from North Ave. - 2018-2019



Rink view from North Ave. with custom fence screening



8

Potential Shed Structures



9

"Puck Stopper" Practice Net



AcoustiFence Product



Town Council questions/comments-Proposed ice rink at Gumbert Park

Councilman Contract discussed the 2018/2019 operation of the rink and the fact that Mr. Anderson experienced a financial loss. Asked Mr. Anderson to explain his financial motivation for continuing to operate the temporary ice rink at Gumbert Park if it is not profitable.

Mr. Anderson explained that when he first opened his arena, it operated at a loss because there was a learning process involved. Feels some of the proposed changes for the 2019/2020 season would help to increase revenue. Also explained that many of the costs that were incurred in the 2018/2019 season were one-time costs. Also discussed the increasing popularity of hockey in Westfield.

Councilman Stokes requested information concerning the hockey schedule for the 2019/2020 season.

Mr. Anderson discussed the hours per week that have been set aside for hockey practice.

Councilman Stokes discussed the fact that the ice rink must be made available to other communities because the property has been designated as a Green Acres site and requested information as to the number of non-residents that use the rink.

Mr. Anderson discussed the requirement to allow non-Westfield residents use of the rink, but explained that many of the hockey programs include a combination of Westfield residents and non-residents.

Councilman Stokes requested clarification of sound mitigation and planned efforts to reduce the noise that has inconvenienced Garwood residents.

Mr. Anderson discussed sound mitigation efforts that would reduce sound for residents of the Pointe at Garwood, such as positioning shed structures at the opening of the rink facing the Pointe at Garwood.

Councilman Contract asked Mr. Anderson to discuss his plans to reduce the impact the rink has had on Garwood businesses and parking.

Mr. Anderson discussed enforcement that was implemented to address parking issues during the 2018/2019 season and stated that those enforcement efforts would continue next season. Discussed an instance in which hockey practice was cancelled because of parking violations that had occurred.

Councilwoman Habgood asked how the issue of idling busses would be addressed.

Mr. Anderson discussed enforcement that occurred and stated that many bus drivers have decided to leave the area while hockey practice was occurring and returned after practice for pick up. Also stated that many times he learned of busses idling days later when the issue could not be addressed.

Councilman Dardia asked Mr. Anderson why no sound mitigation has been planned to reduce the sound impact to the residents of the Lofts at Garwood.

Mr. Anderson explained that the sound issues were reported by residents of the Pointe at Garwood and that no complaints were received from residents of the Lofts at Garwood. Also explained that there would be a significant cost to extend sound mitigation to the side of the rink facing the Lofts at Garwood.

APPOINTMENTS

ADVERTISED HEARINGS

GENERAL ORDINANCE NO. 2135

“AN ORDINANCE DESIGNATING 314 MOUNTAIN AVENUE, SHOWN ON THE TOWN TAX MAPS AS BLOCK 2403, LOT 10, AND COMMONLY KNOWN AS THE “REEVE HOUSE”, AS A HISTORIC LANDMARK AND MODIFYING THE ZONING MAP”

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

GENERAL ORDINANCE NO. 2136

“AN ORDINANCE DESIGNATING 201 MOUNTAIN AVENUE, SHOWN ON THE TOWN TAX MAPS AS BLOCK 2407, LOT 1, AND COMMONLY KNOWN AS “TRIANGLE PARK”, AS A HISTORIC LANDMARK AND MODIFYING THE ZONING MAP”

Advertised returnable this evening.

Hearing no comments, Mayor Brindle declared the hearing closed.

PENDING BUSINESS

An ordinance entitled, GENERAL ORDINANCE NO. 2135 - “AN ORDINANCE DESIGNATING 314 MOUNTAIN AVENUE, SHOWN ON THE TOWN TAX MAPS AS BLOCK 2403, LOT 10, AND COMMONLY KNOWN AS THE “REEVE HOUSE”, AS A HISTORIC LANDMARK AND MODIFYING THE ZONING MAP”
by Councilwoman Mackey, seconded by Councilman LoGrippto, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood	Nays:	Absent:
Arena		
Dardia		
Neylan		
LoGrippto		
Contract		
Stokes		
Mackey		
Mayor Brindle		

An ordinance entitled, AN ORDINANCE DESIGNATING 201 MOUNTAIN AVENUE, SHOWN ON THE TOWN TAX MAPS AS BLOCK 2407, LOT 1, AND COMMONLY KNOWN AS “TRIANGLE PARK”, AS A HISTORIC LANDMARK AND MODIFYING THE ZONING MAP by Councilwoman Mackey, seconded by Councilman Stokes, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas: Habgood	Nays:	Absent:
Arena		
Dardia		
Neylan		
LoGrippto		
Contract		
Stokes		
Mackey		
Mayor Brindle		

BIDS

**TOWN OF WESTFIELD
INVITATION TO BID
WEDNESDAY, June 12, 2019
2019 IMPROVEMENT OF RAHWAY AVENUE**

<u>Bidder</u>	<u>Amount of Bid</u>
Schifano Construction Corp.	\$367,706.25
1 Smalley Avenue	
Middlesex, NJ 08846	
Fischer Contracting Inc.	\$316,425.25
10 Short Hills Lane	
Scotch Plains, NJ 07076	
D.L.S. Contracting Inc.	\$307,700.00

271 Highway 46, Suite D-205	
Fairfield, NJ 07004	
American Asphalt & Milling Services, LLC	\$314,715.75
96 Midland Avenue	
Kearny, NJ 07032	
Top Line Construction Corp.	\$360,261.50
22 Fifth Street	
Somerville, NJ, 08876	
CCM Contracting	\$329,437.50
336 Route 22 West	
Greenbook, NJ 08812	
Your Way Construction Inc.	\$410,252.00
404 Coit Street	
Irvington, NJ 07111	

MINUTES

On a motion by Councilwoman Habgood and seconded by Councilwoman LoGrippe, Council approved the Minutes of the Town Council Conference Session and Regular Meeting held June 4, 2019.

PETITIONS AND COMMUNICATIONS

OPEN DISCUSSION BY CITIZENS

Mayor Brindle opened the public comments portion of the meeting and asked if there were any questions or comments.

Brian Tortorella, 640 Lenox Avenue, stated that he has three (3) sons and all play hockey. Also stated that he resides in Ward 2 and was asked to join a committee established to “bring” an ice rink to Gumbert Park. Explained that he declined the request to join the committee because he was concerned with the impact of the rink to his neighbors. Explained that when the rink was first being installed, he witnessed many children providing their assistance. Also discussed the many programs that were offered. Feels the ice rink was truly a community rink and believes that was its purpose. Also feels the rink is a unique feature for Westfield. In addition, discussed the Emile Francis Award that was presented by the New York Ranges to Matthew Anderson, Mr. Anderson’s son, for his commitment and generosity to communities. Feels the entire Town of Westfield “won” that award and requested that the Town Council vote in favor of the return of the ice rink.

Beth Hornstein, 23 Plymouth Road, spoke on behalf of the Westfield High School Girls Hockey Association and stated that she is both a founding member of the Westfield High School Girl’s Hockey Team, and a parent of a son on the boy’s hockey team. Feels the rink at Gumbert Park has been beneficial to the girl’s ice hockey program and stated that while there has been an increase in girl’s hockey since 2016, feels the team really “took off” after the rink at Gumbert Park became available. Stated that Westfield is only one of a handful of public schools in New Jersey to offer girl’s ice hockey, making it a leader in the growth of opportunities for females in

high school sports. Discussed the difficulties faced during the first two (2) seasons of girl's ice hockey due to the lack of available ice time and the time needed to travel to other rinks. Feels the rink at Gumbert Park improved the quality of life for hockey players and their families. Also discussed job opportunities the rink has provided to multiple members of the high school team and asked the Town Council to vote in favor of the return of the rink at Gumbert Park.

Greg Kasko, 434 Everson Place, referenced the Police Chief's statement concerning the incident at Tamaques School and stated that many expected that Christopher Battiloro would become Chief when he first joined the Police Department. Feels the Police Chief's actions this evening are the reason why he was selected as Police Chief, and feels Chief Battiloro is an educated and consummate professional.

Mr. Kasko also discussed comments he made at the June 4, 2019 Town Council meeting and apologized for coming up to the microphone a second time. Stated that he believed he would be provided with a second opportunity to speak based upon the past practice of other residents. Referenced his comments from the June 4, 2019 Town Council meeting in which he discussed allegations of the theft of time by DPW employees and an investigation that was conducted in response to those allegations. Stated that he was provided with a copy of the investigation report, although the Town Administrator questioned his right to the information. Referenced certain contents of the investigation report, including the misspelling of names, and feels this indicates a lack of precision with which the report was written. Also feels the investigator was more interested in identifying the "whistleblower" rather than the correct spelling of the names of the employees she was interviewing. Stated that the report indicates that every employee interviewed, with the exception of two (2), admitted that an infraction had been committed, but the investigator concluded that there was no evidence of fraud. Referenced the Town Administrator's comments from the June 4, 2019 in which he stated that the investigator found no wrongdoing by DPW employees, however the report indicates that there were instances of employees improperly signing in and out for each other. Also stated that his first complaint to a town official concerning this issue was in September of 2018, but the records that were used for the investigation were from October 1, 2018 to February 28, 2019. Believes the Town Administrator provided the records to be used for the investigation and the investigator confirmed that only records that the Town "wanted her to use" were included in the investigation. Stated that the records that were used postdated his complaint and were not "germane" to the investigation and could never prove the allegations made. Feels that while members of the Town Council could take the attitude that no crime was committed, feels it is a fact that the payroll records of the DPW are not accurate, and the Town Council should be considering that the investigator confirmed that there was a violation of Town rules. Also expressed concern that the Town allowed the investigation to be aimed at the identity of the whistleblower rather than the truth or fallacy of the allegations made. Also stated that the Town Administrator has been provided with the opportunity to speak and reply to comments during the public comment portion of the meeting after the public has commented. Feels this should not be permitted because the Town Administrator is not a member of the public. Also stated that he emailed the Town Council a copy of the investigation report and feels councilmembers should refer to it and ask questions, should the Town Administrator comment on the contents of the report this evening.

The Town Attorney responded to Mr. Kasko's comments and stated that Mr. Kasko contacted him in the late fall to bring this issue to his attention. Explained that, at that time, he had some "back-and-forth" with Mr. Kasko and that Mr. Kasko had indicated that the particular individual who reported the incident wanted to remain anonymous. Mr. Kasko also indicated at that time that he did not understand why an investigation could not be conducted by the Town Attorney. After consultation with the Town Administrator, it was determined that the Town Attorney, nor the Labor Attorney, would be the appropriate person(s) to conduct an investigation, and it was decided that an outside independent investigator would be retained. A report was prepared at the conclusion of the investigation and Mr. Kasko was provided with a redacted version of that report in response to an OPRA request. Assured everyone that there was no "preplanned" outcome for the report, and there was no limitation as to the records the investigator could review. Stated that the report confirmed that there were in fact some employees who clocked out for other employees, but the theft of time could not be confirmed on any factual basis. Also stated that he, the Mayor, the Town Council and the Town Administrator are Westfield taxpayers and that he does not understand why anyone would think that the Town would not want to "get

to the bottom” of the possible theft of tax dollars and public funds. Explained that while the investigation could not confirm that any theft of time in fact occurred, it was confirmed that there were employees clocking others in and out. When the Town Administrator was advised of that fact, he communicated with the proper officials in that department. In addition, the Town Administrator communicated with Labor Counsel and had discussions with the appropriate collective bargaining unit, and a letter would be included in the collective bargaining agreement making it clear that there would absolutely be no conduct like this permitted. While he feels that it is disappointing that this conduct occurred, the investigator came to the conclusion that it was done for a matter of convenience.

The Town Attorney also addressed comments made by Mr. Kasko during the June 4, 2019 Town Council meeting in which Mr. Kasko expressed concern that there was no investigation conducted by the Union County Prosecutor’s Office. Feels that while that might have been an option, Mr. Kasko himself recommended that the Town conduct its own internal investigation. Feels the handling of this matter was entirely appropriate, or at least reasonable, and stated that both the Town Administrator and the Mayor had an opportunity to speak to the Union County Prosecutor’s Office, who indicated that they would not have conducted an investigation themselves, but would have suggested that the Town conduct its own investigation. If the Town had found probable cause to believe that the theft of time had occurred, then the Union County Prosecutor’s Office would have become involved.

Susan Levy, 635 Salter Place, stated that she supports youth sports in Westfield, and while she feels hockey has been beneficial to Westfield, believes Gumbert Park is not the appropriate location. Discussed issues with parking, noise and aesthetics created by the ice rink, and feels Mr. Anderson is looking to enhance his business model with no consideration for the neighbors of Gumbert Park. Discussed Mr. Anderson’s proposal for the 2019/2020 season and the changes to be made to address the concerns expressed by residents. If the return of the rink is approved, urged the Town Council to consider the aesthetics and to conform to Town ordinances. Also discussed the issue of noise and asked that the Town not permit music, enclose all sides of the tent, and that hockey not be permitted after 7:00 PM or before 9:00 AM. Also urged the Town Council to not permit any operation of the rink on holidays such as Thanksgiving, Christmas Eve, and Christmas Day. Also asked the Town to continue with parking enforcement during both hockey season and baseball season, and that no back to back games be permitted. Also discussed the overlapping of hockey season and baseball season last year, and urged the Town Council to delay the opening of the rink until after baseball season has ended. Feels these requests would significantly improve the quality of life for the neighbors of Gumbert Park. Also asked the Town Council to carefully consider what it would be voting for, a community rink or a commercial rink.

Tom Pedas, 101 Chestnut Court, Garwood, feels there is a reason to vote against the return of the ice rink at Gumbert Park, and stated that that reason comes directly from comments made by Mayor Brindle at the opening of the ice rink, in which she stated that while the ice rink is a wonderful thing for the community, it is also a privilege, and residents must treat the ice rink and the neighboring community with respect if the ice rink is to come back the following year. Stated that the neighboring community was not treated with respect and discussed examples, such as construction of the rink beginning shortly after Labor Day as opposed to October 1, as the Town of Westfield had indicated. Also stated that construction began early in the morning and when he contacted the Westfield Police Department to complain, he was told that the Town is not required to comply with its own ordinances. In addition, stated that Town officials indicated that every neighbor within two hundred and fifty (250’) feet of the ice rink would be contacted before work started, but he was not contacted and lives fifty (50’) feet from the ice rink. Believes a private business should not be profiting from an ice rink on public property, especially at the expense of its neighbors. Also stated that Gumbert Park is only supposed to be open from dusk until dawn, meaning in the winter, the park should have been closed by 5:00 PM. Stated that the months of November and December were very difficult for nearby residents because of the steady stream of ice hockey, and that parking in the lot at the Mews of Garwood on Saturdays and Sundays caused those businesses to lose approximately twenty (20%) to twenty-five (25%) percent of their business. Feels if he were to subject his neighbors to the crowd of kids and noise that he and his neighbors were subjected to, he would be arrested, yet the Town of Westfield thought nothing of subjecting the neighbors of Gumbert Park to it for seven (7) months.

Andrew Stillufsen, 667 Fourth Avenue, stated that he and his family live directly across from the ice rink. Feels the return of the rink at Gumbert Park sounds like a good idea, but it is the wrong location because it subjects the neighbors to too much noise, traffic, lights and a “carnival like” atmosphere for too long. Stated that while the Rink Advisory Committee and Mr. Anderson tried to mitigate some concerns, feels the fact that so many are still raising the same issues and resisting the rink’s return shows that these measures were inadequate. Feels the plan proposed by Mr. Anderson for 2019/2020 makes the situation worse and believes that the Mayor and Town Council should insist that only a plan that adequately addresses the neighbors’ concerns would be accepted, since the neighbors are being asked to bear the full brunt of the rink for two (2) more years. Feels much more consideration should be given to the concerns expressed, and listed measures he feels should be implemented, including no expansion of hockey hours, no hockey after 7:00 PM, no hockey before 9:00 AM and no hockey on holidays, especially Thanksgiving, Christmas Eve, and Christmas Day. Music only on very limited occasions, at least thirty (30) minutes between hockey games to give time for cars to clear out, no additional lights, and putting the excess snow or ice from the rink on North Avenue. Also warned everyone to be “careful for what they wish for” because he feels if the Town could put a commercial hockey rink in a public park over the opposition of neighbors, not follow its own ordinances, and establish a partnership with a business that lost over \$300,000 in the first year with “no path” to profitability, the Town could do it to others.

Lastly, Mr. Stillufsen stated that he was “shocked” and “sad” that so many people in favor of the rink have shown hostility towards those against the rink, as those against the rink were only standing up for what they believe is right and for their quality of life. Stated that one of his neighbors, who is in attendance tonight, personally attacked him publicly and told him that he does not have a right to speak up. Feels this behavior is shameful and feels the rink has not brought the community together, but has torn it apart. Stated that those opposed to the rink would continue to speak up until their legitimate concerns about their quality-of-life are addressed to their satisfaction.

John McDevitt, 631 Summit Avenue, stated that he was a member of the advisory committee for the ice rink last year and discussed the setup and management of the facility, which allowed for over 22,000 users, including more than 11,000 Westfield residents. Also stated that he believes the rink was successful because it provided a use for an underutilized Town asset and created winter community gatherings. Explained that he recognizes and is empathetic to the impact to some neighbors and that he is committed to continuing to work with the management company to further improve the rink. Discussed efforts made during the 2018/2019 season to alleviate concerns, and feels the proposal for the 2019/2020 season would help to further alleviate these concerns, such as additional public skating sessions and a curling league in later time slots rather than scheduling hockey at that time, which creates more noise. In addition, feels insulating the boards and the installation of sound curtains would also reduce the sound that emanates from the rink. Also discussed the removal of the cargo container and the introduction of paintable wood sheds to help to improve aesthetics. Overall, believes the management company has done a good job trying to alleviate concerns and feels consideration of the return of the rink being planned at this time works well by coinciding it with the launch of the Town's Master Plan and the Parks and Recreation Strategic Plan. Stated that discussions concerning an ice rink in Town have occurred for years and feels the Gumbert Park location has provided the Town with the opportunity to prove there is a need for a facility. Also discussed the private/public partnership in connection with the ice rink and stated that this type of arrangement is not unusual and provided examples of these partnerships. Also feels the arrangement provided the Town with experts in rink management with no cost to taxpayers or the efforts of Town staff. Feels if the return of the rink is not approved, it would hinder efforts concerning a potential longer-term plan and asked the Town Council to vote in favor of the return of the ice rink.

Jeffrey Pate, 624 Salter Place, mentioned that his spouse is a teacher at Tamaques School and extended his appreciation to the Police Department for their efforts concerning the incident that occurred at the school last week. Also commended the Town Council for approving the designation of the Reeve House and Triangle Park as historic landmarks.

Mr. Pate also discussed the ice rink and stated that he does not support its location at Gumbert Park. Asked that the Town Council vote against the return of the rink. Discussed the various concerns that have been raised and feels the proposal for next season would allow for more noise

and increased hours. Also feels Mr. Anderson did not address parking issues created on Westfield streets and at Gumbert Park, only parking in Garwood was addressed. In addition, discussed the overlap of baseball season with hockey season last year, stating that it was a “nightmare” and asked the Town to ensure that that does not happen again. Stated that neighbors of Gumbert Park do not want more lights, more noise or more signage. Feels the rink is popular enough and advertisement is not necessary. Also requested clarification as to the proposal for a two (2) year contract as opposed to a one (1) year contract and requested information as to what would happen after the second year of the agreement expires. Referred to a previous comment concerning the “sustainability” for the temporary rink and expressed concern. Urged the Town to address all of the concerns expressed by residents if the rink returns next year.

Lisa O’Dwyer, 20 South Wickom Drive, commended the Town for various improvements that have occurred throughout Town, specifically the pending brew pub on the south side, and the improvements to Municipal Lot No. 7.

Matt Maranz, Salter Place, referred to the Recreation Commission’s report concerning the ice rink at Gumbert Park and stated that more non-residents used the rink than Westfield residents, and public use was not permitted during eighty (80%) of the rink’s operating hours. Also stated that “overwhelming” use was for ice hockey and ice-skating, and the three (3) most frequent users of the rink were youth hockey organizations. In addition, stated that the rink violated several Town ordinances and zoning ordinances, impacted local businesses, operated at a financial loss and is projected to lose money again next year. Discussed the public’s access to the rink which was approximately four and a half (4 ½) hours per week, but resulted in disrupting a neighborhood seven (7) days per week. Feels if the Town is obligated to bring the rink back, it should also be obligated to ensuring that there is less impact to the quality of life for the neighboring residents. Discussed a fifteen (15) point plan to make the rink a better experience for all, and feels these points are tangible, actionable, practical, doable, would make the rink less disruptive to the neighborhood, and a greater asset to the Westfield community at large. Also feels many of these points should be conditions for the return of the rink. Stated that he is glad that Mr. Anderson has taken some of these suggestions, and while he feels this is a positive step, feels overall, more needs to be done. Discussed Mr. Anderson’s plan to address the concerns that were raised, but feels the proposal for next season would add more disruption for neighbors because it includes more hours, hockey, music, lighting, and mobile trailers. In addition, stated that it was his understanding that the proposal would include a concession stand even though the neighboring residents specifically requested that no concession stand be added. Feels a partnership has to work for all parties involved, otherwise it works for no one, and if Mr. Anderson is unwilling or unable to make the necessary changes, and if the Town Council is unwilling to insist on these changes, then nothing would be done to solve these problems and to improve the quality of life for the people the rink impacts the most. Also feels if the needs of a private business owner are more important than the needs of the neighborhood, then the rink is not an asset for Westfield at large, and is not is not the “right idea in the wrong location”, but just the “wrong idea”.

Logan Colder, 400 Salter Place, feels it is unfair to question the motives of Mr. Anderson and believes Mr. Anderson sufficiently answered the questions that were asked by members of the Town Council during his presentation. Discussed issues with parking and while he feels parking is not “perfect”, it was not unmanageable, and believes parking during baseball season was much less manageable. Also feels that Gumbert Park is the most suitable location for the rink next year because of the work that was done, and because it is not strictly residential, with many commercial businesses in the area.

Havana Ramirez, 733 Summit Avenue, discussed the ice rink and stated that Union Sports Arena lost money for seven years before it grew into something that is “amazing”. Also stated that she works at Union Sports Arena as well as the ice rink at Gumbert Park. In addition, she joined hockey this year and discussed the experience it provided, stating that it made her more responsible. Also discussed practice time and homework time that was lost when travelling to other ice rinks. Feels the rink at Gumbert Park gave her a sense of responsibility and independence because she was able to plan her schedule around practices, and that the experience of both playing and working at the ice rink at Gumbert Park was amazing. Stated that she would love for the rink to come back next year so that she can continue to improve as a human.

Liz Duffy, 106 Dickson Drive, stated that she has three (3) boys who play ice hockey and a daughter that plays travel volleyball. Discussed the time spent taking her boys to hockey practice on a nightly basis and stated that because older boys do not begin practice until 9:30 PM, they do not get home until after 11:00 PM. Stated that the ice rink at Gumbert Park allows families more time to spend together because less travel time is needed. Feels that while the ice rink benefits the kids, it also benefits working parents, like her.

Hearing no further comments, Mayor Brindle closed the public comment portion of the meeting.

BILLS AND CLAIMS

On motion by Councilwoman Habgood, and seconded by Councilman Contract, bills and claims were adopted unanimously:

RESOLVED that the bills and claims in the amount of \$2,382,673.85 per the list submitted to the members of this Council by the Chief Financial Officer, and approved for payment by the Town Administrator be, and the same are hereby, approved and that payroll warrants previously issued by the Chief Financial Officer be ratified.

REPORTS OF STANDING COMMITTEES:

Finance Policy Committee

The following resolutions, introduced by Councilwoman Habgood, and seconded by Councilman Stokes, were unanimously adopted.

Resolution No. 152

RESOLVED that the Chief Financial Officer be authorized to draw a warrant in the amount of \$88.20 to the order of New Jersey Department of Health, P.O. Box 369, Trenton, New Jersey for Dog Licenses issued by the Town Clerk for the month of May 2019.

Resolution No. 153

WHEREAS, Magnolia Home Remodeling Group, 1640 Vauxhall Road, Union, NJ 07083 has paid the required application fee of \$100.00 (Check No. 5780) and placed the required bond of \$500.00 (Check No. 5781), totaling \$600.00, to cover Road Opening Permit No. 19-112 for 129 Lamberts Mill Road, and

WHEREAS, Magnolia Home Remodeling Group has requested that these amounts be returned because the permit was issued in error by the Town of Westfield, since Lamberts Mill Road is a county road.

NOW THEREFORE BE IT RESOLVED, that the Treasurer be authorized to draw a warrant in the name of Magnolia Home Remodeling Group, for \$600.00, and forward to 1640 Vauxhall Road, Union, NJ 07083.

Resolution No. 154

LET IT HEREBY BE RESOLVED that the Chief Financial Officer be and hereby is authorized to draw a warrant for refund of dumpster security payment(s) as follows following final inspection and approval by Town Engineer for return of deposit:

Young Hsu
1129 Boulevard
Westfield, NJ 07090

Amount of refund: \$975.00

Resolution No. 155

RESOLVED that the Chief Financial Officer be and he hereby is authorized to draw warrants to the following persons, these amounts being overpaid for 2019:

Block/Lot/Qualifier

Quarter/Year

Name	Property Address	Amount
4101/19	621 Fairfield Circle	1 st /2019
D. Villane Construction LLC		\$3,883.83
2376 South Ave		
Scotch Plains, NJ 07076		

Resolution No. 156

RESOLVED that warrants noted below be drawn to the order of Westfield Board of Education for Local School Taxes as provided in the 2019-20 budget, in accordance with R.S. 54:4-75:

July 8, 2019		\$6,486,177.00
July 23, 2019	Debt Service	1,365,051.00
August 9, 2019		9,051,227.00
September 5, 2019		7,419,115.00
September 12, 2019	Debt Service	1,032,112.00
October 8, 2019		9,251,227.00
November 5, 2019		9,251,227.00
December 6, 2019		9,251,227.00
January 7, 2020		8,607,072.00
February 7, 2020		8,607,071.00
March 2, 2020	Debt Service	932,230.00
March 9, 2020		7,674,841.00
April 6, 2020		8,607,071.00
May 5, 2020		8,607,071.00
June 5, 2020		<u>8,607,071.00</u>
TOTAL		<u>\$104,749,790.00</u>

Resolution No. 157

WHEREAS, Town Engineer, Kris McAloon has been certified as a Recycling Coordinator for the Town of Westfield.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Westfield that Kris McAloon shall be paid \$3,051 for additional duties performed as Recycling Coordinator for calendar year 2019.

Public Safety, Transportation and Parking Committee

The following resolution, introduced by Councilman Dardia Chairman of the Public Safety, Transportation, and Parking Committee, and seconded by Councilman Arena, was unanimously adopted.

Resolution No. 158

WHEREAS, a need exists in the Police Department for the purchase of Body Worn Cameras, and

WHEREAS, Axon Enterprise, P.O. Box 29661, Department 2018, Phoenix, AZ 85038 was awarded State Contract T0106, under the Department of Purchase and Property's NJStart eProcurement Solution, purchase order 17-FLEET-00738, Category 14 for Police Body Camera Solution and 14A for installation, consulting services, hardware/software configuration, training and hourly repair services rates, and

WHEREAS, these cameras and their servicing will be sufficient to meet the needs of the Department; and

WHEREAS, the Chief Financial Officer has certified to the availability of adequate funds for payment, which will be for a total amount of \$139,825.00, of which \$112,439.12 is to be charged to the Law Enforcement Trust Account T-05-600-021 and \$27,385.88 to the Union County Prosecutor's Body Worn Camera Grant Account 9-01-900-239, under Purchase Order 19-02203, prepared in accordance with N.J.A.C. 5:30-1.10.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Westfield that a contract for purchase of Police Body Camera Solution is hereby awarded to Axon Enterprise, P.O. Box 29661, Department 2018, Phoenix, AZ 85038-9661 under State Contract T0106 at a cost not to exceed \$139,825, and

BE IT FURTHER RESOLVED that the proper Town Officials be, and they are hereby authorized to take whatever actions are appropriate in the execution and discharge of this Contract.

General Ordinance No. 2138:

Regarding the following ordinance, Councilman Dardia made the following announcement:

I hereby move that an ordinance entitled, "GENERAL ORDINANCE NO. 2138 – AN ORDINANCE TO AMEND CHAPTER 13 (MOTOR VEHICLES AND TRAFFIC) OF THE REVISED GENERAL ORDINANCES OF THE TOWN OF WESTFIELD AS IT RELATES TO CERTAIN PENALTIES AND FINES." be approved on first reading.

The motion was seconded by Councilwoman Mackey.

The ordinance was approved by the following vote of all present upon roll call as follows:

Yeas: Habgood

Nays: Arena

Absent:

Dardia

Neylan

LoGrippo

Contract

Stokes

Mackey

Mayor Brindle

Heretofore introduced, General Ordinance No. 2138 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 9th day of July 2019 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Code Review & Town Property Committee

The following resolutions, introduced by Councilwoman Mackey Chairwoman of the Code Review & Town Property Committee, and seconded by Councilman LoGrippe, were unanimously adopted.

Resolution No. 159

WHEREAS, pursuant to Chapter 24 Article VII Section 24-47 of the Town Code the Town Council has authorized the licensing of Sidewalk Cafés, and

WHEREAS, the establishments listed have made application as required by Sec. 24-48 of the Town Code, and

WHEREAS, the establishments listed have met all the terms and conditions as required,

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Westfield hereby grants licenses to the establishments listed to operate sidewalk cafés and the Town Clerk be, and is hereby authorized to issue said licenses.

Cinnaholic	18 Elm Street
Brunella Portuguese Delli	615 South Ave West

Resolution No. 160

RESOLVED that the following applications for Peddlers License be and the same are hereby approved:

Albert Ogunmoye	Dionisios Valiliades	Jose Cachada
Good Humor	Danny’s Soft Serve	Joes Catering
17 Orchard Place	1081 E. Grand Street	258 Perry Ave
Irvington, NJ 07111	Elizabeth, NJ 07201	Union NJ 07083

BE IT FURTHER RESOLVED that the licenses shall not be issued by the Town Clerk unless the departmental inspections of the premises have been completed and the premises approved for the licensed use.

Resolution No. 161

BE IT RESOLVED that application for the following liquor license renewals for the 2018-2019 licensing term be and hereby are granted, subject to full compliance with Alcoholic Beverage Law R.S. 33:1.1 et. seq.:

PLENARY RETAIL CONSUMPTION LICENSE

UT Westfield LLC	115 Elm Street
t/a Addams Tavern 2020-33-028-005	
Sweet Waters, Inc. t/a Sweet Waters Steak House 2020-33-022-005	43 Elm Street
BB Westfield, LLC 1C/2B t/a Bareburger 2020-33-009-010	126 Central Avenue, Space
341 Westfield Corp. t/a Fujiyama Mama 2020-33-004-015	341 South Avenue E.

The following resolution, introduced by Councilwoman Habgood, and seconded by Councilman LoGrippe, was adopted by the following roll call vote:

Resolution No. 162

BE IT RESOLVED that the Town Council of the Town of Westfield accepts the recommendation of the Recreation Commission and hereby authorizes the Mayor to execute a lease agreement with the Arena Realty Partners for a temporary ice rink at Gumbert Park.

Yeas: Habgood

Arena

LoGrippo

Contract

Mackey

Mayor Brindle

Nays: Dardia

Neylan

Stokes

Absent:

Town Council comments:

Councilwoman Neylan stated that she is happy that girls' ice hockey has flourished and that the rink has created a sense of community, but feels the nearby residents have suffered greatly by noise and traffic and the rink has been a very big inconvenience for them. Referenced the comments by Ms. Duffy regarding the time the ice rink has provided to her family because less time is spent travelling to other rinks. While she appreciates that the rink has saved travelling time for some families, feels the neighbors of Gumbert Park have lost six (6) months, seven (7) days per week. Explained that while she feels the rink is a great idea, she feels it is in the wrong location because it is in a residential area and places an unfair burden on one neighborhood. Extended her appreciation to Mr. Anderson for the measures taken to limit the impact to neighbors, but feels Mr. Anderson's comment in which he stated that he is "trying to take hockey sounds out of the hockey rink" indicates to her that this location is not appropriate. Feels the Town Council would try to ameliorate these concerns further if the rink is approved, but believes she needs to represent those in her ward that have expressed concern and therefore would not be supporting the return of the ice rink. Also feels the recommendation for a two (2) year agreement was a "total blindside" and does not think it is fair or was known to residents in the area. Feels it is unexpected and unreasonable.

Mayor Brindle asked Councilwoman Neylan how often she attended the rink over the course of the time it was open.

Councilwoman Neylan explained that she did not personally attend events held at the rink, but she drove past it every day because she lives nearby.

Mayor Brindle stated that it is an eight (8) minute walk from her home to Gumbert Park and that she went by every day because she wanted to conduct her own assessment of the rink. Explained that while she and her family do not skate and that she has no personal vested interest in the rink, her support for it came from a place of trying to maximize the benefit to taxpayers for a Town that has very limited space for recreation. Explained that she visited the rink often and participated in many of the events that were held in an effort to make her own assessment and to experience what was happening there at different times. Stated that the frequent concerns expressed over traffic, parking, and business impact did not materialize as many had indicated. In addition, explained that the issue concerning the negative impact to businesses was a huge concern for her because it was believed that the rink would have the opposite effect. Upon hearing these complaints, she visited those businesses and was informed that business was down twenty (20%) percent the day after Thanksgiving. However, while attending a DWC meeting, she learned that Downtown Westfield businesses were also down twenty (20%) percent on Black Friday. Also explained that she had follow up conversations with business owners in Garwood and it was revealed that the ice rink really had no impact on their business. Also stated that when she drove by the ice rink, she found very few instances in which parking was overflowing on to the street. Believes the issues were addressed as the season progressed and feels Mr. Anderson has proven to be a reliable partner with integrity, and also feels what Mr. Anderson demonstrated tonight is an example of the improvements that he is attempting to make. Extended her thanks to the Recreation Commission members, Gary Fox and Brad Rothenberg, members of the Ice Rink Advisory Committee, as well as Mr. Anderson, for their efforts. Also extended her thanks to residents of the Gumbert Park neighborhood for their public engagement. Explained that the Town Council would be voting on the recommendation of the Recreation Commission, which is to negotiate a contract to renew the lease with Union Sports Arena. Also discussed suggestions

by some that the return of the rink be approved, but in a different location. Referenced Mr. Anderson's presentation in which it was explained that other locations are not feasible as a temporary site. Explained that if the Town Council votes against the return of the rink this evening, it would mean that there would be no ice rink in Town for at least two (2) years, if ever. Also explained that by waiting two (2) years, the Town would lose the momentum that this rink has created. Discussed comments by young girls concerning the rink, specifically second graders, and how it has created recreational opportunities for girls. Feels this decision is "all about the kids". As to the quality of life issues expressed by neighbors of Gumbert Park, stated that she has also heard from a number of people who live in the same proximity to the rink that support it. Also noted that these neighbors who support the rink are not "hockey" people, which she feels is important. Believes it is also important for everyone to know that she has been attempting to balance her thinking regarding this issue. Expressed her appreciation to the hockey community for its support. Feels that while they have been good partners, the rink was never about hockey, but about the community. Stated that she is very proud of the community and the kids who spoke at the microphone at crowded Town Council meetings and Recreation Commission meetings. Feels regardless of the vote, the ice has made a material impact on the kids.

Mayor Brindle also discussed the concerns expressed by the residents of Garwood and assured everyone that the Town truly respects and appreciates their concerns and is committed to being a good neighbor. Stated that many former Westfield residents live at the Pointe in Garwood, including a former Westfield Mayor, and feels they could appreciate the challenge she faces, which is providing additional services to residents without increasing an already high tax burden. Stated that New Jersey is a home rule state and elected officials have to make decisions that are in the best interest of their resident taxpayers, while trying to mitigate the impact to their neighbors. Feels the Town has made every attempt to do that from the first day of the rink. Mr. Anderson is attempting to operate in good faith, and the Town is attempting to negotiate in good faith. Referenced suggestions that the rink be located in another municipality and stated that she feels the rink should be located in Westfield because she feels the rink is something the Town should be proud of and is a privilege to have. Also stated that Mayors from other communities have asked her how Westfield was able to "make that happen" and feels this sends a message to other communities about Westfield, which is very positive. Expressed concern that if the community is unable to come together and make a decision about a temporary ice rink that is of little expense to taxpayers, then it would be unable to accomplish the really big issues the community wants or deserves. Expressed her support for the return of the rink and explained that the reason a two (2) year agreement is being recommended is because it enables Mr. Anderson to invest in items to mitigate the inconveniences to neighbors, and because a potential permanent location could not begin for two (2) years.

Councilman Contract explained that considering the return of the ice rink has been a tough decision and discussed the need to balance what is best for the community with what is best for the Gumbert Park neighborhood. Stated that he lives near Kehler Field and has tried his best to put himself in the "shoes" of those who live in the Gumbert Park neighborhood. Stated that he has read everything that has been sent to him and while he did not visit the ice rink as often as the Mayor, he did drive by multiple times and attended one event in an effort to gain a sense of the impact of the rink. Feels the meeting tonight has been a good example of identifying the pros and cons of the ice rink and explained that he would be supporting the return of the rink because of the proposed changes. Feels the sound barrier to mitigate noise from the rink and the items proposed to improve aesthetics are examples of efforts to address the neighbors' concerns. Also feels Mr. Anderson has been very open to addressing these concerns and working with neighbors of the rink. Stated that he agrees that more lights and more music are not steps in the right direction, and feels this should be considered when the Town Attorney conducts his negotiations with Mr. Anderson. Stated that most Ward 3 residents support the rink, and he is not surprised by that because they are not directly impacted by it, which is why he attempted to put himself in the shoes of the neighbors of Gumbert Park. Feels there are ways that the rink could be made better for everyone.

Councilman LoGrippo stated that he believes that he is the only councilmember that attends Gumbert Park year round because he is a baseball coach and his children participated in the hockey programs that were offered. Explained that what he was most proud of was his involvement in the adaptive skate programs that were organized, after which parents personally

thanked him for allowing their kids the opportunity to play and skate, some for the first time. Stated that there is a need for ice rinks in Union County and he hopes that Union County would take the lead in the future, but believes there is a need for the temporary rink in Town. Explained that he feels for the neighbors that are impacted by the rink, but also feels the school skating events alone are examples of how the rink brought the community together, and for these reasons he would be supporting the return of the ice rink.

Councilman Arena stated that there is no relation or association between him and Arena Realty Partner, LLC.

Councilman Dardia requested clarification as to whether the proposal presented this evening is the final proposal. Also referenced the proposal presented to the Recreation Commission which included a \$30,000 payment to the Town for use of the site and asked if that payment was included in the proposal presented by Mr. Anderson this evening.

Mayor Brindle explained that those terms would be discussed during negotiations between Arena Realty Partner and the Town Attorney.

Councilman Dardia thanked Mr. Anderson and his family for their efforts with the ice rink. Explained that his primary concern is safety and discussed Mr. Anderson's efforts, as well as the Town's efforts, to address safety issues. Also commended Mr. Anderson's willingness to address the neighbors' concerns throughout the season. Feels Mr. Anderson shares a passion for the sport of hockey with the hockey community and discussed the consistent support for the rink shown during both Recreation Commission meetings and Town Council meetings by the hockey community. Also referenced Mayor Brindle's comments and stated that he was moved by the number of children, especially the second graders, who attend meetings and came up to the microphone to speak. Feels the rink was a success, but believes the Town Council must consider the issues raised by neighbors. Explained that while he lives in the area of the ice rink, he was not impacted by the noise and lights, however many residents in the neighborhood have contacted him to express both their opposition and support for the ice rink. Discussed the need for him to represent the residents of his ward and feels there were residents who were not respected because they spoke in opposition to the rink. Explained that these residents only wanted to restore "balance" to their neighborhood and were disrespected for that, and that disappoints him. Discussed issues with hockey noise and Mr. Anderson's efforts to mitigate that noise. Also discussed comments by some that neighbors of Gumbert Park should just "deal" with the noise, and that Mr. Anderson should only do the "bare minimum" to address concerns. Also referenced comments by some that residents knew when they purchased their home that it was located next to a baseball field, and pointed out that hockey players knew that when they decided to participate in the sport, that they would need to travel to out of town rinks. Stated that the notion that hockey players would have "nowhere to go" if the rink at Gumbert Park is not approved is specious. Believes it is convenient to have a rink in Town, but if it were not in Town, kids would continue to play by travelling to Union, Roselle Park and other rinks. Also believes the argument that the majority of residents benefit from the rink is inherently flawed and the need for some to suffer for the benefit of others is not the "spirit" of Westfield. Discussed the fact that the ice rink was initially approved as a temporary pilot facility, but is now being considered for another two (2) years until a permanent location is found. Feels the rink was unfair the first season, and is increasingly unfair now. Stated that the rink is a great idea because there is clearly a need, and he would like to see the girls' team continue to grow and develop, however he also feels the Town is putting the luxury of a recreational convenience above the interest of taxpaying homeowners. Feels the focus should be on identifying a new permanent location in Westfield for the rink.

Councilwoman Habgood stated that the Town Council has spent a lot of time considering the return of the ice rink and has reviewed many reports and information provided to them. Stated that while she is in favor of the return of the rink, she appreciates all of the concerns expressed by the neighbors of Gumbert Park. As such, she intends to take advantage of her background in private/public partnerships in an attempt to achieve as many of the neighbors' objectives as possible, while still achieving a good outcome for Mr. Anderson. Also feels that the two (2) year commitment that the Town is considering is the most suitable way to move forward because it would allow Mr. Anderson to make some investments and reduce some expenses. Feels better

profitability would enable Mr. Anderson to make a greater investment to improve aesthetics and noise reduction.

Councilman Stokes stated that he represents the 4th Ward and did not support the rink last year, and would not be supporting its return. Explained that his opposition is not related to the youth that is involved, and feels the stories they have shared are amazing. Also explained that he has four (4) children of his own and can understand their position. Feels the big “battle” is the issue concerning the community, and while he agrees that the rink has brought the community together, feels it has also divided it. Discussed the difficulty in making these types of decisions but explained that making these decisions is why he was elected. Also explained that because he does not live in the 2nd Ward, it would be very easy for him to support the rink because it is not in his “backyard”. Stated that he has considered both sides and while he does not go to the ice rink every day, he has attended meetings, including the Q&A that was held in January. Explained that quality of life issues are his primary concern and stated that he has also been disrespected because he openly shared his opinion concerning the ice rink. Reiterated previous comments that this issue has not been taken lightly, and while he appreciates the changes that have been made, he still believes that Gumbert Park is not the appropriate location for the rink. Also stated that while he appreciates that Councilwoman Habgood would be using her expertise in private/public partnerships, he is concerned with allowing public land for private use and the type of precedent it sets for future endeavors. Also stated that he would like increased ice time for the public

Councilwoman Mackey explained that she worked very closely with Mr. Anderson when the ice rink was first approved to address concerns and feels that throughout the process, she found Mr. Anderson to be accessible, honorable, and willing to “over deliver”. Stated that she understands that some might not be satisfied with what was proposed tonight, but feels Mr. Anderson has proposed some very interesting solutions to address the concerns that were raised, such as shifting the timing of certain programs to reduce hockey noises. Also stated that she is not yet willing to oppose the proposal for additional music until the additional sound barriers are installed. Explained that she attended several events at the rink and drove by late at night when she received emails complaining about the new lights. Feels that the café lighting that was installed makes the area look charming and many people in the neighborhood are starting to put them in their backyards. In addition, shortly afterward, the whole neighborhood was full of Christmas lighting and feels it is important to focus on the main issues, which she believes to be aesthetics and noise. Stated that she feels very confident that the Town has organized a “team”, which includes neighbors of Gumbert Park, and would continue to work together to make the rink something that everyone would be happy with in the end. Feels it would be a shame to “give up” the rink, especially when it has allowed the girls’ hockey team to double in size, and feels she cannot “walk away” from what it has done for the female athletes in the community. Stated that she is very optimistic that the neighbors’ concerns could be addressed because they are very important to her.

General Ordinance No. 2139:

Regarding the following ordinance, Councilwoman Mackey made the following announcement:

I hereby move that an ordinance entitled, “GENERAL ORDINANCE NO. 2139 – AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWN OF WESTFIELD, NEW JERSEY REGARDING STREET PAVING.” be approved on first reading.

The motion was seconded by Councilman Dardia.

The ordinance was approved by the following vote of all present upon roll call as follows:

Yeas: Habgood
Arena
Dardia
Neylan
LoGrippo
Contract
Stokes
Mackey

Nays:

Absent:

Mayor Brindle

Heretofore introduced, General Ordinance No. 2139 does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 9th day of July 2019 at 8:00 o'clock, p.m., or as soon thereafter as the matter can be reached, in the Council Chambers, 425 East Broad Street, Westfield, New Jersey, and that at such time and place or any time and place to which such meeting shall from time to time be adjourned, all persons interested be given the opportunity to be heard concerning said ordinance, and that the Town Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Public Works Committee

The following resolutions, introduced by Councilman Contract, Chairman of the Public Works Committee, and seconded by Councilman Stokes, were unanimously adopted.

Resolution No. 163

WHEREAS, sealed bids were received by the Town Clerk on May 29, 2019 for the 2019 Various Road Improvements in Westfield, New Jersey as authorized by S.O. 2216A, and

WHEREAS, the low bid, in the amount of \$2,407,663.00, submitted by Fischer Contracting Inc., 10 Short Hills Lane, Scotch Plains, NJ 07076 has been analyzed and found to be in conformance with the appropriate plans and specifications, and

WHEREAS, Certificate of the Town Treasurer, certifying the availability of adequate funds for this Contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract to be charged to S.O. 2216A, under Purchase Order PO#19-02343.

NOW THEREFORE BE IT RESOLVED, that a Unit Price Contract in the amount of \$2,407,663.00 be awarded to Fischer Contracting Inc., and

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby, authorized to take whatever actions are appropriate in the execution of discharge of this Contract, and

BE IT FURTHER RESOLVED, that the Town Clerk shall notify the Contractor by letter requesting submittal of appropriate Performance Bond and Certificate of Insurance, so as to further execute the Contract documents.

Resolution No. 164

WHEREAS, sealed bids were received by the Town Clerk on June 12, 2019 for the 2019 Improvement of Rahway Avenue in Westfield, New Jersey as authorized by S.O. 2216A, and

WHEREAS, the apparent low bid, in the amount of \$307,700.00, submitted by DLS Contracting, 271 US Highway 46, Suite D-205, Fairfield, NJ 07004 contained an error for a line item and upon correction, were no longer the low bidder, and

WHEREAS, the next low bid, in the amount of \$314,715.75, submitted by American Asphalt & Milling Services LLC, 96 Midland Avenue, Kearny, NJ 07032 has been analyzed and found to be in conformance with the appropriate plans and specifications, and

WHEREAS, Certificate of the Town Treasurer, certifying the availability of adequate funds for this Contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract to be charged to S.O. 2216A, under Purchase Order PO#19-02344.

NOW THEREFORE BE IT RESOLVED, that a Unit Price Contract in the amount of \$314,715.75 be awarded to American Asphalt & Millings LLC, and

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby, authorized to take whatever actions are appropriate in the execution of discharge of this Contract, and

BE IT FURTHER RESOLVED, that the Town Clerk shall notify the Contractor by letter requesting submittal of appropriate Performance Bond and Certificate of Insurance, so as to further execute the Contract documents, and

BE IT FURTHER RESOLVED, that award of this contract is subject to concurrence of award from the New Jersey Department of Transportation.

Resolution No. 165

WHEREAS, sealed bids were received by the Town Clerk on May 29, 2019 for the 2019 ADA Compliant Curb Ramps project in Westfield, New Jersey as authorized by S.O. 2216A, and

WHEREAS, the low bid, in the amount of \$215,000.00 submitted by D.L.S. Contracting, Inc., 271 Highway 46, Suite D-205, Fairfield, NJ 07004 has been analyzed and found to be in conformance with the appropriate plans and specifications, and

WHEREAS, Certificate of the Town Treasurer, certifying the availability of adequate funds for this Contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds pursuant to this Contract to be charged to S.O. 2216A, under Purchase Order PO#19-02342.

NOW THEREFORE BE IT RESOLVED, that a Unit Price Contract in the amount of \$215,000.00 be awarded to D.L.S. Contracting, Inc., and

BE IT FURTHER RESOLVED, that the proper Town Officials be, and they are hereby, authorized to take whatever actions are appropriate in the execution of discharge of this Contract, and

BE IT FURTHER RESOLVED, that the Town Clerk shall notify the Contractor by letter requesting submittal of appropriate Performance Bond and Certificate of Insurance, so as to further execute the Contract documents.

Reports of Department Heads

Report of Steve Freedman, Construction Official, showing monies collected for permits in the amount of \$62,472.00 for the month of May 2019 was received, read and ordered filed.

Report of Anthony Tiller, Acting Chief of the Fire Department, showing Fees collected in May 2019 in the amount of \$10,577.28 was received, read and ordered filed.

Report of Kris McAloon, Town Engineer, stating he had turned over to the Chief Financial Officer check in the amount of \$44,673.00 representing monies collected during the month of May 2019.

Report of Tara Rowley, Town Clerk, showing fee collected in the amount of \$22,764.00 during the month of May 2019 was received, read, and ordered filed.

Report of Carol Salvaggio, Certified Court Administrator, stating that she had turned over to the Chief Financial Officer check in the amount of \$42,703.88 representing fines and costs collected in the Municipal Court and Violations Bureau during the month of May 2019 was received, read and ordered filed.

Report of Christopher Battiloro, Chief of the Police Department, showing fee collecting in the amount of \$5,740.45 during the month of May 2019.

ADJOURNMENT

A motion to adjourn, made by Councilman LoGrippe and seconded by Councilman Dardia at 10:40 p.m. was unanimously carried.

Respectfully submitted,

Tara Rowley, RMC
Town Clerk